

## **REMARKS**

Claims 1-7 and 21 are currently pending. The Examiner has allowed claim 21. Claims 1-7 have been rejected under §103(a) as being unpatentable over Siiter (U.S. Pat. No. 6,901,969) in view of Wildi (U.S. Pat. No. 3,590,464) , Bonnell (U.S. Pat. No. 3,590,464) and Di Maio (U.S. Pat No. 4,005,519). In response, the Applicants have amended the rejected claims and traversed the outstanding rejections. As such, Applicants respectfully request reconsideration and allowance of claims 1-7.

### **The 35 U.S.C. § 112 Second Paragraph Rejection of Claims 1-7**

The Examiner has rejected claims 1-7 as being indefinite in their use of the term “means”. In response, Applicants have amended claim 1 to remove this language, and respectfully submit that claims 1-7 are now in proper format.

Reconsideration of the outstanding rejection is therefore earnestly solicited.

### **The 35 U.S.C. § 103(a) Rejection of Claims 1-3**

The Examiner has rejected claims 1-3 as being obvious over Siiter in view of Wildi and further in view of Bonnell. Applicants traverse this rejection and respectfully assert that neither Siiter, Wildi nor Bonnell, either alone or in combination, disclose or render obvious each and every element of newly amended independent claim 1.

As discussed in a previous Response, Siiter shows only a hand-actuated device for crimping a conduit *at a single location*, with respect to a plug. As admitted by the Examiner, Siiter does not disclose deforming the conduit at two axially spaced locations.

For its part, Wildi does appear to disclose deforming a conduit at two axially spaced locations, however it is of significance that Wildi does not use anything like the structure of Siiter’s mechanical device to accomplish this deformation. Rather, Wildi

utilizes magnetic compressive force to accomplish this deformation, not the mechanical architecture as disclosed in Siiter.

Applicants therefore respectfully submit that the proposed combination of Siiter and Wildi is improper, as the introduction of Wildi's magnetic deformation assembly into the structure of Siiter's apparatus could not be reasonably expected to be successful without undue experimentation. Indeed, Applicants respectfully submit that it is only through impermissible hindsight, having been apprised of Applicants' own invention, that one would consider merging the devices disclosed in Siiter and Wildi in the manner proposed in the outstanding Office Action.

In addition, Applicants further submit that one of ordinary skill could not integrate Wildi's magnetic deformation assembly into Siiter's apparatus without significant reengineering of both devices, thus requiring more than the mere addition of a component, or the substitution of one known device for another. Applicants therefore respectfully request allowance of claim 1 on this basis alone.

For its part, Bonnell has been cited as disclosing 'positioning and insertion means' (112, 114), however Bonnell's apparatus is an apparatus designed for use in medical environments. Similar to the above discussion, Applicants respectfully submit that Bonnell is non-analogous art, when compared with both Siiter and Wildi. That is, one of ordinary skill in the duct-making art would never look to the medical field, and Bonnell's apparatus, to determine how to best insert a threaded element into an open conduit.

Indeed, Applicants note that Bonnell's apparatus does not 'crimp' or otherwise deform the 'conduit' it is handling, nor is it the intent of Bonnell's apparatus to assist in the insertion of any threaded element into any conduit at all.

Applicants again respectfully suggest that it is only through impermissible hindsight that anyone would have viewed Bonnell's apparatus as even partially applicable to the devices and operation disclosed in either Siiter or Wildi.

Thus, Applicants note that the outstanding combination of references (Siiter, Wildi and Bonnell) propose to combine mechanical devices with magnetic devices, and then to combine the resultant mechanical-magnetic device with a wholly separate medical device whose purpose is completely different from either of the two 'source' references.

No such combination would ever have been proposed by one of ordinary skill in the art, absent impermissible hindsight, and Applicants respectfully request that the present rejection be reconsidered in light of Applicants claimed invention *as a whole*.

In sum, Applicants respectfully submit that neither Siiter, Wildi nor Bonnell disclose the recited elements of, at least, independent claim 1. Applicants therefore respectfully request that the Examiner withdraw the existing rejection of claims 1.

Applicant earnestly believes that independent claim 1, as well as the associated dependent claims 2 and 3, clearly define over the cited prior art, however, should the Examiner believe that there remains any outstanding issues, Applicants respectfully request that the Examiner contact Applicants' Representative so as to expedite resolution of these outstanding issues.

#### **The 35 U.S.C. § 103(a) Rejection of Claims 4-7**

The Examiner has rejected claims 4-7 as being obvious over Siiter in view of Wildi and further in view of Di Maio. Applicants traverse this rejection and respectfully assert that neither Siiter, Wildi nor Di Maio, either alone or in combination, disclose or render obvious each and every element of newly amended independent claim 1.

The Examiner has rejected claims 4-7 as being unpatentable over Siiter in view of Wildi and in further view of Di Maio. The Examiner posits that Di Maio discloses a rack and pinion gear mechanism, which would be obvious to combine with modified Siiter.

As discussed above, however, it is not the novelty of a 'rack and pinion' mechanism per se that is being claimed in claim 1, but rather *the invention as a whole*. That is, it is not the existence of a rack and pinion gear mechanism in and of itself, that is definable over the cited prior art, but the use of this architecture within the environment defined in claim 1.

Thus, claim 1 is believed to be allowable for at least the reasons that claim 1 was believed to be allowable, as noted previously, Di Maio adding nothing to the teachings of Siiter and Wildi in this regard.

## CONCLUSION

In view of the foregoing, it is respectfully submitted that pending claims 1-7 and 21 are in condition for allowance and action to that effect is earnestly solicited.

The Examiner is invited to contact the undersigned at the number below to expedite resolution of any issues that the Examiner may consider to remain unresolved. In particular, should a Notice of Allowance not be forthcoming, the Examiner is requested to phone the undersigned for a telephonic interview, an Examiner's amendment, or the like, while the outstanding issues are fresh in the mind of the Examiner.

Authorization is hereby given to charge the Two Month Extension fee to our Deposit Account No.13-0235. It is believed that no additional fees or deficiencies in fees are owed. However, authorization is also hereby given to charge our Deposit Account No.13-0235 in the event any additional fees are owed.

Respectfully submitted,

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